

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

VICTOR TILLMAN,

Plaintiff,

CIVIL ACTION NO. 08-CV-13685-DT

vs.

DISTRICT JUDGE ARTHUR J. TARNOW

**DETROIT POLICE DEPARTMENT,
ELLA B. CUMMINGS, MARIO NEAL,
and TAMYRA L. HARRIS-HARDY,**

MAGISTRATE JUDGE MONA K. MAJZOUN

Defendants.

**ORDER GRANTING DEFENDANTS' MOTION TO COMPEL DEPOSITION (DOCKET
NO. 37)**

This matter comes before the Court on Defendants' Motion to Compel Deposition. (Docket no. 37). Plaintiff has not responded to the motion and the time for responding has expired. All pretrial matters have been referred to the undersigned for action. (Docket no. 14). The Court dispenses with oral argument pursuant to E.D. Mich. LR 7.1(e). This motion is now ready for ruling pursuant to 28 U.S.C. § 636(b)(1)(A).

Defendants state that Plaintiff failed to attend his noticed deposition on October 20, 2009. They further state that after the date for deposition had passed, Plaintiff contacted the Defendants and acknowledged that he had received notice of the deposition and had failed to appear. Defendants also state that Plaintiff informed them that he believed defense counsel should conduct the deposition of other alleged witnesses before he was deposed. Plaintiff's deposition was noticed before the close of discovery. The Court will grant Defendants' motion.

IT IS THEREFORE ORDERED that Defendants' Motion to Compel Deposition (docket

no. 37) is **GRANTED**. Defendants should re-noticed Plaintiff's deposition which must be conducted on or before June 30, 2010. Plaintiff is ordered to attend his deposition.

NOTICE TO THE PARTIES

Pursuant to Fed. R. Civ. P. 72(a), the parties have a period of fourteen days from the date of this Order within which to file any written appeal to the District Judge as may be permissible under 28 U.S.C. § 636(b)(1).

Dated: June 8, 2010

s/ Mona K. Majzoub
MONA K. MAJZOUB
UNITED STATES MAGISTRATE JUDGE

PROOF OF SERVICE

I hereby certify that a copy of this Opinion and Order was served upon Victor Tillman and Counsel of Record on this date.

Dated: June 8, 2010

s/ Lisa C. Bartlett
Case Manager